

AMENDED IN SENATE APRIL 23, 2003

SENATE BILL

No. 362

Introduced by Senator Figueroa
(Coauthors: Senators Aanestad and Vincent)
(Coauthors: Assembly Members Correa, Nation, and Runner)

February 19, 2003

An act to amend Sections 1616.5~~and~~, 1742, 1756, 1760, 1760.5, 1761, 1765, 1768, and 1775 of, and to amend and repeal Section 1601.1 of, *and to repeal Sections 1762, 1763, and 1764 of*, the Business and Professions Code, *to amend Section 830.3 of the Penal Code, and to repeal Sections 3 and 4 of Chapter 859 of the Statutes of 2001*, relating to dental professionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, as amended, Figueroa. Dental professionals.

(1) Existing law provides for the licensing and regulation of dental professionals and dental auxiliaries, *including registered dental assistants and registered dental hygienists*, by the Dental Board of California and the Committee on Dental Auxiliaries. *A violation of the law regulating dental auxiliaries is a crime.* The provisions creating the board, authorizing the board to appoint an executive officer, and creating the committee will become inoperative on July 1, 2004, and will be repealed on January 1, 2005.

This bill would delete these dates, ~~thereby extending the~~ *and extend* operation of these provisions until ~~an unspecified date.~~ *July 1, 2008.*

(2) Existing law authorizes registered dental hygienists to perform certain functions.

This bill would revise these provisions and would specify that registered dental hygienists may only perform functions that may be

performed by registered dental assistants if the registered dental hygienist holds a current and active license as a registered dental assistant.

(3) Existing law requires the board to license as a registered dental assistant in extended functions or as a registered dental hygienist in extended functions a person who satisfies certain requirements, including completing clinical training approved by the board in a facility affiliated with a dental school.

This bill would delete the requirement that the training be in a facility affiliated with a dental school.

(4) Existing law requires the Director of Consumer Affairs to designate as peace officers persons to be assigned to the investigations unit of the board.

This bill would delete that requirement.

(5) Existing law requires the board to contract with a specified entity to conduct a followup study relating to the board's enforcement program. Existing law appropriates \$75,000 from the State Dentistry Fund to the board for the followup study.

This bill would delete these provisions.

(6) Because a violation of the bill's requirements with respect to dental auxiliaries would be a crime, the bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1601.1 of the Business and Professions
- 2 Code, as added by Section 2 of Chapter 625 of the Statutes of 2002,
- 3 is amended to read:
- 4 1601.1. (a) There shall be in the Department of Consumer
- 5 Affairs the Dental Board of California in which the administration
- 6 of this chapter is vested. The board shall consist of eight practicing
- 7 dentists, one registered dental hygienist, one registered dental

1 assistant, and four public members. Of the eight practicing
2 dentists, one shall be a member of a faculty of any California dental
3 college and one shall be a dentist practicing in a nonprofit
4 community clinic. The appointing powers, described in Section
5 1603, may appoint to the board a person who was a member of the
6 prior board. The board shall be organized into standing
7 committees dealing with examinations, enforcement, and other
8 subjects as the board deems appropriate.

9 (b) For purposes of this chapter, any reference in this chapter
10 to the Board of Dental Examiners shall be deemed to refer to the
11 Dental Board of California.

12 (c) The board shall have all authority previously vested in the
13 existing board under this chapter. The board may enforce all
14 disciplinary actions undertaken by the previous board.

15 (d) This section shall become operative on January 1, 2002.

16 (e) This section shall become inoperative on July 1, ~~2008~~,
17 and, as of January 1, ~~2009~~, is repealed, unless a later enacted
18 statute that is enacted before January 1, ~~2009~~, deletes or
19 extends the dates on which it becomes inoperative and is repealed.
20 The repeal of this section renders the board subject to the review
21 required by Division 1.2 (commencing with Section 473).

22 SEC. 2. Section 1601.1 of the Business and Professions Code,
23 as added by Section 2.5 of Chapter 532 of the Statutes of 2001, is
24 repealed.

25 SEC. 3. Section 1616.5 of the Business and Professions Code
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the
28 director, may appoint a person exempt from civil service who shall
29 be designated as an executive officer and who shall exercise the
30 powers and perform the duties delegated by the board and vested
31 in him or her by this chapter.

32 (b) This section shall become operative on January 1, 2002.

33 (c) This section shall become inoperative on July 1, ~~2008~~,
34 and, as of January 1, ~~2009~~, is repealed, unless a later enacted
35 statute that is enacted before January 1, ~~2009~~, deletes or
36 extends the dates on which it becomes inoperative and is repealed.

37 SEC. 4. Section 1742 of the Business and Professions Code
38 is amended to read:

39 1742. (a) There is within the jurisdiction of the board a
40 Committee on Dental Auxiliaries.

(b) The Committee on Dental Auxiliaries shall have the following areas of responsibility and duties:

(1) The committee shall have the following duties and authority related to education programs and curriculum:

(A) Shall evaluate all dental auxiliary programs applying for board approval in accordance with board rules governing the programs.

(B) May appoint board members to any evaluation committee. Board members so appointed shall not make a final decision on the issue of program or course approval.

(C) Shall report and make recommendations to the board as to whether a program or course qualifies for approval. The board retains the final authority to grant or deny approval to a program or course.

(D) Shall review and document any alleged deficiencies that might warrant board action to withdraw or revoke approval of a program or course, at the request of the board.

(E) May review and document any alleged deficiencies that might warrant board action to withdraw or revoke approval of a program or course, at its own initiation.

(2) The committee shall have the following duties and authority related to applications:

(A) Shall review and evaluate all applications for licensure in the various dental auxiliary categories to ascertain whether a candidate meets the appropriate licensing requirements specified by statute and board regulations.

(B) Shall maintain application records, cashier application fees, and perform any other ministerial tasks as are incidental to the application process.

(C) May delegate any or all of the functions in this paragraph to its staff.

(D) Shall issue auxiliary licenses in all cases, except where there is a question as to a licensing requirement. The board retains final authority to interpret any licensing requirement. If a question arises in the area of interpreting any licensing requirement, it shall be presented by the committee to the board for resolution.

(3) The committee shall have the following duties and authority regarding examinations:

1 (A) Shall advise the board as to the type of license examination
2 it deems appropriate for the various dental auxiliary license
3 categories.

4 (B) Shall, at the direction of the board, develop or cause to be
5 developed, administer, or both, examinations in accordance with
6 the board's instructions and periodically report to the board on the
7 progress of those examinations. The following shall apply to the
8 examination procedure:

9 (i) The examination shall be submitted to the board for its
10 approval prior to its initial administration.

11 (ii) Once an examination has been approved by the board, no
12 further approval is required unless a major modification is made
13 to the examination.

14 (iii) The committee shall report to the board on the results of
15 each examination and shall, where appropriate, recommend pass
16 points.

17 (iv) The board shall set pass points for all dental auxiliary
18 licensing examinations.

19 (C) May appoint board members to any examination
20 committee established pursuant to subparagraph (B).

21 (4) The committee shall periodically report and make
22 recommendations to the board concerning the level of fees for
23 dental auxiliaries and the need for any legislative fee increase.
24 However, the board retains final authority to set all fees.

25 (5) The committee shall be responsible for all aspects of the
26 license renewal process, which shall be accomplished in
27 accordance with this chapter and board regulations. The
28 committee may delegate any or all of its functions under this
29 paragraph to its staff.

30 (6) The committee shall have no authority with respect to the
31 approval of continuing education providers; the board retains all
32 of this authority.

33 (7) The committee shall advise the board as to appropriate
34 standards of conduct for auxiliaries, the proper ordering of
35 enforcement priorities, and any other enforcement-related matters
36 that the board may, in the future, delegate to the committee. The
37 board shall retain all authority with respect to the enforcement
38 actions, including, but not limited to, complaint resolution,
39 investigation, and disciplinary action against auxiliaries.

1 (8) The committee shall have the following duties regarding
2 regulations:

3 (A) To review and evaluate all suggestions or requests for
4 regulatory changes related to dental auxiliaries.

5 (B) To report and make recommendations to the board, after
6 consultation with departmental legal counsel and the board's
7 executive officer.

8 (C) To include in any report regarding a proposed regulatory
9 change, at a minimum, the specific language of the proposed
10 changes and the reasons for and facts supporting the need for the
11 change. The board has the final rulemaking authority.

12 (c) This section shall become inoperative on July 1, ~~2008~~,
13 and, as of January 1, ~~2009~~, is repealed, unless a later enacted
14 statute which becomes effective on or before January 1, ~~2009~~,
15 deletes or extends the dates on which it becomes inoperative
16 and is repealed. The repeal of this section renders the committee
17 subject to the review required by Division 1.2 (commencing with
18 Section 473).

19 *SEC. 5. Section 1756 of the Business and Professions Code is*
20 *amended to read:*

21 1756. The board shall license as a registered dental assistant
22 in extended functions a person who satisfies all of the following
23 requirements:

24 (a) Status as a registered dental assistant.

25 (b) Completion of clinical training approved by the board ~~in a~~
26 ~~facility affiliated with a dental school under the direct supervision~~
27 ~~of the dental school faculty.~~

28 (c) Satisfactory performance on an examination required by
29 the board.

30 *SEC. 6. Section 1760 of the Business and Professions Code is*
31 *amended to read:*

32 1760. The following functions may be performed by a
33 registered dental hygienist in addition to those authorized pursuant
34 to ~~Sections 1760.5, 1761, 1762, 1763, and 1764~~ Section 1760.5:

35 (a) All functions that may be performed by a dental assistant or
36 a registered dental assistant. *On and after January 1, 2006, a*
37 *registered dental hygienist may only perform functions that may be*
38 *performed by a registered dental assistant if the registered dental*
39 *hygienist also holds a current and active license as a registered*
40 *dental assistant.*

(b) All persons holding a *current and active* license as a registered dental hygienist on January 1, 2003, ~~or issued a license on or before December 31, 2005, are authorized to perform the duties of a registered dental assistant specified in Section 1754. All persons issued a license as a registered dental hygienist on and after January 1, 2006, shall qualify for and receive a registered dental assistant license prior to performance of the duties specified in Section 1754~~ 2006, shall automatically be issued a license as a registered dental assistant. The license shall expire on the same date as the individual's registered dental hygienist license and shall be subject to the same renewal and other requirements imposed by law or regulation on a license.

SEC. 7. Section 1760.5 of the Business and Professions Code is amended to read:

1760.5. (a) Under general supervision, a registered dental hygienist may engage in the practice of dental hygiene. The practice of dental hygiene includes dental hygiene assessment, development, planning, and implementation of a dental hygiene care plan. ~~It also includes oral~~ which may include, but is not limited to, the following:

- (1) Oral health education, counseling, and health screenings.
- (2) Preventive and therapeutic interventions, including oral prophylaxis, scaling, and root planning.
- (3) Application of topical, therapeutic, and subgingival agents used for the control of caries and periodontal disease.
- (4) The taking of impressions for bleaching trays and application and activation of agents with nonlaser light-curing devices.
- (5) The taking of impressions for bleaching trays and placement of in-office tooth whitening devices.

(b) The practice of dental hygiene does not include any of the following procedures:

- (1) Diagnosis and comprehensive treatment planning.
- (2) Placing, condensing, carving, or removal of permanent restorations.
- (3) Surgery or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue, *except that a registered dental hygienist may perform soft tissue curettage under direct supervision and after submitting to*

1 *the board evidence of satisfactory completion of a board-approved*
2 *course of instruction in this procedure.*

3 (4) Prescribing medication.

4 (5) Administering local or general anesthesia or oral or
5 parenteral conscious sedation, except for the administration of that
6 a registered dental hygienist may administer nitrous oxide and
7 oxygen, whether administered alone or in combination with each
8 other, or local anesthesia pursuant to Section 1761, under direct
9 supervision and after submitting to the board evidence of
10 satisfactory completion of a board-approved courses of
11 instruction in these procedures.

12 (c) Unless otherwise specified in this chapter, a registered
13 dental hygienist may perform any procedure or provide any service
14 within the scope of his or her practice in any setting.

15 (d) A registered dental hygienist may use any material or device
16 approved for use in the performance of a service or procedure
17 within his or her scope of practice if the registered dental hygienist
18 has the appropriate education and training necessary to
19 competently use the material or device.

20 SEC. 8. Section 1761 of the Business and Professions Code is
21 amended to read:

22 1761. (a) A registered dental hygienist is authorized to
23 perform the following procedures under direct may provide,
24 without supervision, after submitting to the board evidence of
25 satisfactory completion of a board-approved course of instruction
26 in the procedures:

27 (a) ~~Soft-tissue curettage.~~

28 (b) ~~Administration of local anesthesia.~~

29 (c) ~~Administration of nitrous oxide and oxygen, whether~~
30 ~~administered alone or in combination with each other.~~ educational
31 services, oral health training programs, and oral health
32 screenings. A registered dental hygienist shall refer any screened
33 patients with possible oral abnormalities to a dentist for a
34 comprehensive examination, diagnosis, and treatment plan.

35 (b) In any public health program created by federal, state, or
36 local law, or administered by a federal, state, county, or local
37 governmental entity, a registered dental hygienist may provide,
38 without supervision, the duties prescribed in paragraphs (4) and
39 (5) of subdivision (a) of Section 1760.5 and in subdivision (b) of
40 Section 1760.5.

1 *SEC. 9. Section 1762 of the Business and Professions Code is*
2 *repealed.*

3 ~~1762. A dental hygienist is authorized to perform the~~
4 ~~following procedures under general supervision:~~

5 ~~(a) Preventive and therapeutic interventions, including oral~~
6 ~~prophylaxis, sealing, and root planing.~~

7 ~~(b) Application of topical, therapeutic, and subgingival agents~~
8 ~~used for the control of caries and periodontal disease.~~

9 ~~(c) The taking of impressions for bleaching trays and~~
10 ~~application and activation of agents with nonlaser, light-curing~~
11 ~~devices.~~

12 ~~(d) The taking of impressions for bleaching trays and~~
13 ~~placements of in-office, tooth-whitening devices.~~

14 *SEC. 10. Section 1763 of the Business and Professions Code*
15 *is repealed.*

16 ~~1763. (a) A dental hygienist may provide, without~~
17 ~~supervision, educational services, oral health training programs,~~
18 ~~and oral health screenings.~~

19 ~~(b) A dental hygienist shall refer any screened patients with~~
20 ~~possible oral abnormalities to a dentist for a comprehensive~~
21 ~~examination, diagnosis, and treatment plan.~~

22 ~~(c) In any public health program created by federal, state, or~~
23 ~~local law or administered by a federal, state, county, or local~~
24 ~~governmental entity, a dental hygienist may provide, without~~
25 ~~supervision, dental hygiene preventive services in addition to oral~~
26 ~~screenings, including, but not limited to, the application of~~
27 ~~fluorides and pit and fissure sealants.~~

28 *SEC. 11. Section 1764 of the Business and Professions Code*
29 *is repealed.*

30 ~~1764. (a) Any procedure performed or service provided by a~~
31 ~~dental hygienist that does not specifically require direct~~
32 ~~supervision shall require general supervision, so long as it does not~~
33 ~~give rise to a situation in the dentist's office requiring immediate~~
34 ~~services for alleviation of severe pain, or immediate diagnosis and~~
35 ~~treatment of unforeseeable dental conditions, which, if not~~
36 ~~immediately diagnosed and treated, would lead to serious~~
37 ~~disability or death.~~

38 ~~(b) Unless otherwise specified in this chapter, a dental~~
39 ~~hygienist may perform any procedure or provide any service~~
40 ~~within the scope of his or her practice in any setting, so long as the~~

~~procedure is performed or the service is provided under the appropriate level of supervision required by this article.~~

~~(e) A dental hygienist may use any material or device approved for use in the performance of a service or procedure within his or her scope of practice under the appropriate level of supervision, if the dental hygienist has the appropriate education and training required to use the material or device.~~

SEC. 12. *Section 1765 of the Business and Professions Code is amended to read:*

1765. No person other than a licensed dental hygienist or a licensed dentist may engage in the practice of dental hygiene or perform dental hygiene procedures on patients, including, but not limited to, supragingival and subgingival scaling, dental hygiene assessment, and treatment planning, except for the following persons:

(a) A student enrolled in a dental or a dental hygiene school who is performing procedures as part of the regular curriculum of that program under the supervision of the faculty of that program.

(b) *A registered dental assistant acting in accordance with the rules of the board relating to the following:*

(1) Applying nonaerosol and noncaustic topical agents.

(2) Applying topical fluoride.

(3) Taking impressions for bleaching trays.

(c) A registered dental assistant acting in accordance with the rules of the board ~~in applying topical agents used for the control of caries or polishing~~ relating to the following:

(1) Polishing the coronal surfaces of teeth.

~~(e)~~

(2) Applying bleaching agents.

(3) Activating bleaching agents with nonlaser light-curing devices.

(d) *A registered dental assistant in extended functions acting in accordance with the rules of the board in applying pit and fissure sealants.*

(e) A registered dental hygienist licensed in another jurisdiction performing a clinical demonstration for educational purposes.

SEC. 13. *Section 1768 of the Business and Professions Code is amended to read:*

1768. The board shall license as a registered dental hygienist in extended functions a person who meets all of the following requirements:

(a) Holds a valid license issued pursuant to Section 1766 as a registered dental hygienist.

(b) Completes clinical training approved by the board ~~in a facility affiliated with a dental school under the direct supervision of the dental school faculty.~~

(c) Performs satisfactorily on an examination required by the board.

SEC. 14. Section 1775 of the Business and Professions Code is amended to read:

1775. (a) A registered dental hygienist in alternative practice ~~may practice, pursuant to Section 1774, perform the same dental hygiene services as a registered dental hygienist is authorized to perform without supervision as defined in Section 1761~~ as an employee of a dentist or of another registered dental hygienist in alternative practice, or as an independent contractor, or as a sole proprietor of an alternative dental hygiene practice, or as an employee of a primary care clinic or specialty clinic that is licensed pursuant to Section 1204 of the Health and Safety Code or as an employee of a primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, or as an employee of a clinic owned or operated by a public hospital or health system, or as an employee of a clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(b) A registered dental hygienist in alternative practice may perform the ~~duties authorized pursuant to Section 1774~~ *dental hygienist services defined in this section* in the following settings:

(1) Residences of the homebound.

(2) Schools.

(3) Residential facilities and other institutions.

(4) Dental health professional shortage areas, as certified by the Office of Statewide Health Planning and Development in accordance with existing office guidelines.

(c) A registered dental hygienist in alternative practice shall not do any of the following:

(1) Infer, purport, advertise, or imply that he or she is in any way able to provide dental services or make any type of dental health diagnosis beyond ~~evaluating a patient's dental hygiene status, providing a dental hygiene treatment plan, and providing the associated dental hygiene services~~ *those services defined in subdivision (a).*

(2) Hire a registered dental hygienist to provide direct patient services other than a registered dental hygienist in alternative practice.

(d) A registered dental hygienist in alternative practice may submit or allow to be submitted any insurance or third-party claims for patient services performed as authorized pursuant to this article.

(e) A registered dental hygienist in alternative practice may hire other registered dental hygienists in alternative practice to assist in his or her practice.

(f) A registered dental hygienist in alternative practice may hire and supervise dental assistants performing functions specified in subdivision (b) of Section 1751.

(g) A registered dental hygienist in alternative practice shall provide to the board documentation of an existing relationship with at least one dentist for referral, consultation, and emergency services.

(h) A registered dental hygienist in alternative practice may perform dental hygiene services for a patient who presents to the registered hygienist in alternative practice a written prescription for dental hygiene services issued by a dentist or physician and surgeon licensed to practice in this state who has performed a physical examination and a diagnosis of the patient prior to the prescription being provided. The prescription shall be valid for a time period based on the dentist's or physician and surgeon's professional judgment, but not to exceed 15 months from the date that it was issued.

SEC. 15. Section 830.3 of the Penal Code is amended to read:
830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to

1 Section 8597 or 8598 of the Government Code. These peace
2 officers may carry firearms only if authorized and under those
3 terms and conditions as specified by their employing agencies:

4 (a) Persons employed by the Division of Investigation of the
5 Department of Consumer Affairs and investigators of the Medical
6 Board of California and the Board of Dental Examiners, who are
7 designated by the Director of Consumer Affairs, provided that the
8 primary duty of these peace officers shall be the enforcement of the
9 law as that duty is set forth in Section 160 of the Business and
10 Professions Code. ~~The Director of Consumer Affairs shall~~
11 ~~designate as peace officers seven persons who shall at the time of~~
12 ~~their designation be assigned to the investigations unit of the Board~~
13 ~~of Dental Examiners.~~

14 (b) Voluntary fire wardens designated by the Director of
15 Forestry and Fire Protection pursuant to Section 4156 of the Public
16 Resources Code, provided that the primary duty of these peace
17 officers shall be the enforcement of the law as that duty is set forth
18 in Section 4156 of that code.

19 (c) Employees of the Department of Motor Vehicles designated
20 in Section 1655 of the Vehicle Code, provided that the primary
21 duty of these peace officers shall be the enforcement of the law as
22 that duty is set forth in Section 1655 of that code.

23 (d) Investigators of the California Horse Racing Board
24 designated by the board, provided that the primary duty of these
25 peace officers shall be the enforcement of Chapter 4 (commencing
26 with Section 19400) of Division 8 of the Business and Professions
27 Code and Chapter 10 (commencing with Section 330) of Title 9 of
28 Part 1 of this code.

29 (e) The State Fire Marshal and assistant or deputy state fire
30 marshals appointed pursuant to Section 13103 of the Health and
31 Safety Code, provided that the primary duty of these peace officers
32 shall be the enforcement of the law as that duty is set forth in
33 Section 13104 of that code.

34 (f) Inspectors of the food and drug section designated by the
35 chief pursuant to subdivision (a) of Section 106500 of the Health
36 and Safety Code, provided that the primary duty of these peace
37 officers shall be the enforcement of the law as that duty is set forth
38 in Section 106500 of that code.

39 (g) All investigators of the Division of Labor Standards
40 Enforcement designated by the Labor Commissioner, provided

1 that the primary duty of these peace officers shall be the
2 enforcement of the law as prescribed in Section 95 of the Labor
3 Code.

4 (h) All investigators of the State Departments of Health
5 Services, Social Services, Mental Health, Developmental
6 Services, and Alcohol and Drug Programs, the Department of
7 Toxic Substances Control, the Office of Statewide Health
8 Planning and Development, and the Public Employees'
9 Retirement System, provided that the primary duty of these peace
10 officers shall be the enforcement of the law relating to the duties
11 of his or her department, or office. Notwithstanding any other
12 provision of law, investigators of the Public Employees'
13 Retirement System shall not carry firearms.

14 (i) The Chief of the Bureau of Fraudulent Claims of the
15 Department of Insurance and those investigators designated by the
16 chief, provided that the primary duty of those investigators shall
17 be the enforcement of Section 550.

18 (j) Employees of the Department of Housing and Community
19 Development designated under Section 18023 of the Health and
20 Safety Code, provided that the primary duty of these peace officers
21 shall be the enforcement of the law as that duty is set forth in
22 Section 18023 of that code.

23 (k) Investigators of the office of the Controller, provided that
24 the primary duty of these investigators shall be the enforcement of
25 the law relating to the duties of that office. Notwithstanding any
26 other law, except as authorized by the Controller, the peace officers
27 designated pursuant to this subdivision shall not carry firearms.

28 (l) Investigators of the Department of Corporations designated
29 by the Commissioner of Corporations, provided that the primary
30 duty of these investigators shall be the enforcement of the
31 provisions of law administered by the Department of
32 Corporations. Notwithstanding any other provision of law, the
33 peace officers designated pursuant to this subdivision shall not
34 carry firearms.

35 (m) Persons employed by the Contractors' State License Board
36 designated by the Director of Consumer Affairs pursuant to
37 Section 7011.5 of the Business and Professions Code, provided
38 that the primary duty of these persons shall be the enforcement of
39 the law as that duty is set forth in Section 7011.5, and in Chapter
40 9 (commencing with Section 7000) of Division 3, of that code. The



1 Director of Consumer Affairs may designate as peace officers not
2 more than three persons who shall at the time of their designation
3 be assigned to the special investigations unit of the board.
4 Notwithstanding any other provision of law, the persons
5 designated pursuant to this subdivision shall not carry firearms.

6 (n) The chief and coordinators of the Law Enforcement
7 Division of the Office of Emergency Services.

8 (o) Investigators of the office of the Secretary of State
9 designated by the Secretary of State, provided that the primary
10 duty of these peace officers shall be the enforcement of the law as
11 prescribed in Chapter 3 (commencing with Section 8200) of
12 Division 1 of Title 2 of, and Section 12172.5 of, the Government
13 Code. Notwithstanding any other provision of law, the peace
14 officers designated pursuant to this subdivision shall not carry
15 firearms.

16 (p) The Deputy Director for Security designated by Section
17 8880.38 of the Government Code, and all lottery security
18 personnel assigned to the California State Lottery and designated
19 by the director, provided that the primary duty of any of those
20 peace officers shall be the enforcement of the laws related to
21 assuring the integrity, honesty, and fairness of the operation and
22 administration of the California State Lottery.

23 (q) Investigators employed by the Investigation Division of the
24 Employment Development Department designated by the director
25 of the department, provided that the primary duty of those peace
26 officers shall be the enforcement of the law as that duty is set forth
27 in Section 317 of the Unemployment Insurance Code.

28 Notwithstanding any other provision of law, the peace officers
29 designated pursuant to this subdivision shall not carry firearms.

30 (r) The chief and assistant chief of museum security and safety
31 of the California Science Center, as designated by the executive
32 director pursuant to Section 4108 of the Food and Agricultural
33 Code, provided that the primary duty of those peace officers shall
34 be the enforcement of the law as that duty is set forth in Section
35 4108 of the Food and Agricultural Code.

36 (s) Employees of the Franchise Tax Board designated by the
37 board, provided that the primary duty of these peace officers shall
38 be the enforcement of the law as set forth in Chapter 9
39 (commencing with Section 19701) of Part 10.2 of Division 2 of the
40 Revenue and Taxation Code.

(t) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.

Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.

(u) Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that the primary duty of these investigators shall be the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

SEC. 16. Section 3 of Chapter 859 of the Statutes of 2001 is repealed.

~~SEC. 3. (a) The Dental Board of California shall contract with the outside entity that completed the independent study required by Chapter 840 of the Statutes of 1999, to conduct a followup study for the purpose of further refining the findings and recommendations of the original study. The contract shall provide the independent entity at least three months to conduct the followup study and shall require that the followup study be completed and submitted to the Legislature by August 1, 2002. The followup study shall expand upon and further refine all of the following recommendations and findings resulting from the original study:~~

~~(1) Recommendations on the staffing requirements for the board's enforcement program, including the number and type of enforcement positions, such as sworn peace officer positions and nonpeace officer positions, that the board needs to fulfill its consumer protection mandate.~~

~~(2) Findings regarding the extent to which the board needs to use sworn peace officers in its enforcement program.~~

~~(3) Findings regarding the documentation of trends in dental related crimes reported to the board.~~

~~(4) Findings regarding the comparison of the board's enforcement program to similar agencies, including the mix of enforcement staff, caseloads, and case aging.~~

~~(5) Recommendations for improving the board's enforcement program.~~

~~(6) Findings regarding the fiscal impact to the board from the recommended changes, if any, to its enforcement program and staff.~~

~~(b) While conducting the followup study pursuant to this section, the outside entity shall consult with all interested parties, including, but not limited to, representatives of consumers, dental professionals, local law enforcement agencies, the Department of Consumer Affairs, and other state agencies that employ sworn peace officers and nonpeace officer investigators.~~

SEC. 17. Section 4 of Chapter 859 of the Statutes of 2001 is repealed.

~~SEC. 4. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated from the State Dentistry Fund to the Dental Board of California in order to conduct the followup study and to prepare the report required by this act.~~

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.